

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 10, "General Industry Safety and Health Rules," and Chapter 26, "Construction Safety and Health Rules," Iowa Administrative Code.

The amendments adopt by reference changes to federal occupational safety and health regulations concerning training and personal protective equipment (PPE). The changes clarify that a standard that requires training or PPE requires that the training or PPE be provided to each and every employee covered by the standard, and that noncompliance may expose the employer to liability on a per-employee basis.

The principal reasons for adoption of these amendments are to implement Iowa Code chapter 88, to protect the safety and health of Iowa's workers, and to make Iowa's rules more current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1)"a," Iowa must adopt the federal standards.

No waiver provision is included in these rules as waiver provisions are set forth in Iowa Code section 88.5.

Notice of Intended Action for these amendments was published in the February 11, 2009, Iowa Administrative Bulletin as **ARC 7541B**. A public hearing was held on March 4, 2009. No member of the public commented on the Notice of Intended Action. One nonsubstantive change was made to update the implementation sentence for Chapter 10.

These amendments are intended to implement Iowa Code section 88.5.

These amendments will become effective May 13, 2009.

The following amendments are adopted.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
73 Fed. Reg. 75583 (December 12, 2008)

ITEM 2. Amend **875—Chapter 10**, implementation sentence, as follows:

~~This rule is~~ These rules are intended to implement Iowa Code ~~sections 84A.1, 84A.2, 88.2 and section~~
88.5.

ITEM 3. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
73 Fed. Reg. 75583 (December 12, 2008)

[Filed 3/19/09, effective 5/13/09]

[Published 4/8/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/8/09.